

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AL QASSIMI ACADEMY,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:23-cv-289

ISMAIL A. ABUHALTAM,

Defendant.

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ORDER

This matter is before the Court on Defendant's Motion for Summary Judgment and/or Motion for Judgment on the Pleadings. (ECF No. 44). For the reasons articulated herein, Defendant's motion will be dismissed without prejudice.

Plaintiff Al Qassimi Academy initiated this action alleging defamation and intentional infliction of emotional distress based upon Defendant's various online and social media posts concerning the Academy. (ECF No. 1). Defendant now moves for relief. However, Defendant has failed to first move the Court to set aside the default which was entered against him. (ECF No. 19). The Court cannot consider a motion such as this unless and until Defendant persuades the Court to set aside his default. *See, e.g., Blazek v. Capital Recovery Associates, Inc.*, 222 F.R.D. 360, 361 (E.D. Wisc. 2004) (observing that "a defaulting defendant loses many of the rights of a party");

Psychopathic Records, Inc. v. Anderson, 2010 WL 2510992 at *5 (E.D. Mich., June 17, 2010) (a defaulted party “may no longer challenge the allegations in the complaint”). Accordingly, Defendant’s motion is hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated: December 2, 2024

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge